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LETTER DATED 10 DECEMBER 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 10 December 1999, from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

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Annex

Letter dated 10 December 1999 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

I would be grateful if you could arrange to transmit to the President of the Security Council the attached letter informing the Council of the intention of the International Atomic Energy Agency (IAEA) to conduct a safeguards inspection in Iraq in accordance with the Safeguards Agreement concluded between Iraq and IAEA pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (see enclosure).

(Signed) Mohamed ELBARADEI

Enclosure

Letter dated 10 December 1999 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council

As the Security Council is aware, the International Atomic Energy Agency (IAEA) has dual legal obligations with respect to verification in Iraq: those arising from the Safeguards Agreement concluded between Iraq and IAEA pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (hereafter referred to as "the NPT Safeguards Agreement") and those arising under Security Council resolution 687 (1991) and other relevant Security Council resolutions.

As has been previously reported to the Security Council, during the time IAEA was able to perform its mandate in Iraq pursuant to the above resolutions, the activities to be carried out by it in Iraq pursuant to the NPT Safeguards Agreement were subsumed under the more comprehensive and intrusive activities pursuant to the Security Council resolutions. Since 15 December 1998, however, IAEA has been unable to carry out its Security Council-mandated activities in Iraq.

In accordance with the IAEA safeguards system, IAEA is required to carry out a physical inventory verification of the remaining nuclear material in Iraq once every calendar year, but in any case not less frequently than every 14 months. The last physical inventory verification was completed on 14 October 1998. In view of the inability of IAEA to date to resume verification activities under the relevant Security Council resolutions and implement as part of those activities its obligations under the NPT Safeguards Agreement, IAEA must initiate another physical inventory verification by 14 December 1999.

While all weapons-usable nuclear material (i.e., all plutonium and highly enriched uranium) has been removed from Iraq in accordance with paragraph 12 of Security Council resolution 687 (1991), the nuclear material remaining in Iraq includes a significant amount of low enriched and natural uranium. This material needs to be verified to ensure that it has been, and remains, accounted for, unaltered and under IAEA seal.

It should be stressed that such verification would have the limited objective of verifying the declared nuclear material in question. It would not, and could not, serve as a substitute for IAEA activities under the relevant Security Council resolutions, which are essential if IAEA is to fulfil the mandate entrusted to it by the Security Council under those resolutions and to provide the necessary assurances sought by the Security Council. Thus, the dispatch of the safeguards mission does not in any way obviate the need to proceed as soon as possible with the resumption of inspection activities in Iraq pursuant to the said resolutions, in particular the carrying out of the Agency's plan for ongoing monitoring and verification and the clarification of the

remaining questions and concerns previously reported by IAEA to the Security Council. Until that time, IAEA is not in a position to provide any measure of assurance with regard to compliance by Iraq with the relevant Security Council resolutions.

(Signed) Mohamed ELBARADEI